

REMARKS

In response to the Office Action mailed March 4, 2009 (hereinafter "Office Action"), claims 1, 8, 14, and 17 have been amended. Applicants submit that no new matter has been introduced. As such, claims 1-25 are pending of which claims 1, 8, 9, 13-14, 17-19, and 22-25 are independent.

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-8 and 14-17 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Without acknowledging the propriety of the Examiner's rejection, and solely in an effort to expedite prosecution, Applicants have amended independent claims 1, 8, 14, and 17. Claims 1, 8, 14, and 17 as amended are directed to statutory subject matter.

"A claimed process is surely patent-eligible under § 101 if 1) it is tied to a particular machine or apparatus or 2) it transforms a particular article into a different state or thing." *In re Bilski*, 545 F.3d 943 (Fed. Cir. 2008).

Claims 1 and 8 are directed to statutory subject matter because they satisfy at least one of the above-mentioned prongs for patent-eligibility under § 101. In particular, claims 1 and 8 are directed to statutory subject matter because they are tied to "a processor" that is configured to perform at least some of the operations recited therein. For at least these reasons, the section 101 rejection of claims 1 and 8 is improper and must be withdrawn. Claims 2-7 depend from and add features to claim 1. Thus, the rejection of these claims is likewise improper and must be withdrawn.

Claims 14 and 17 have been amended to recite a data structure embodied in "computer storage media" executable by "a processor". For at least this reason, the rejection of claims 14 and 17 is improper and must be withdrawn. Claims 15 and 16 depend from and add features to claim 14. Thus, the rejection of these claims is likewise moot.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-3, 9-11, 18-20, and 24-25 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,825,863 to Walker (hereinafter "Walker"). Applicants respectfully traverse this rejection, under 35 U.S.C. §102(b), for the reasons presented below.

Independent claim 1 positively recites, inter alia, the features:

detecting that the subscriber-specific subscriber information comprises an indication of a tariff model to be used with the home subscriber to charge different calls, the indicated tariff model being one of at least two different tariff models maintained in a memory for home subscribers, each tariff model containing a tariff scheme defining how to charge different calls, the indication indicating the tariff model directly or indirectly.

With this said, Applicants respectfully submit that the Walker citations relied upon by the Examiner do little in the way of establishing anticipation.

Walker teaches that different types of calls may have different prices but the same types of calls are charged in a similar way for each subscriber. As such, Walker fails to disclose the claimed different tariff models having different tariff schemes.

Walker, at col. 4, lines 37-46, teaches that a balance or other card holder information is stored; that the balance of the account may be a monetary value, call time value or units value; and that units value enables different charges for different types of calls made at different times.

Walker, however, fails to disclose that a subscriber's subscription information (or balance information) is associated with an indication of a call type (alleged to correspond to the tariff model to be used with the home subscriber to charge different calls). Furthermore, Walker fails to disclose that a subscriber's subscriber information contains an indication of a specific call type, or an indication of how to calculate the charges. As such Walker fails to disclose the feature of "the subscriber-specific subscriber information comprises an indication of a tariff model to be used with the home subscriber to charge different calls, the indicated tariff model being one of at least two different tariff models maintained in a memory for home subscribers, each tariff model containing a tariff scheme defining how to

charge different calls, the indication indicating the tariff model directly or indirectly”, as recited in claim 1 for example, as well as any of the other recited features relating to tariff models and tariff schemes.

Also, Walker, at col. 4, lines 47-61, teaches how to update a prepaid account when a subscriber is calling. However, there is no mention in Walker of the update being performed differently for different subscribers. On the contrary, Walker teaches the use of the same procedure.

For at least these reasons, Applicants submit that Walker fails to disclose all the features of Applicants’ claim 1. Hence, claim 1 is allowable and withdrawal of the rejection is respectfully requested. Because claims 2-3 depend from claim 1, either directly or indirectly, the rejection of these claims is likewise improper and must be withdrawn.

Claims 9, 18, 19, 24, and 25 recite features that are similar to claim 1. Thus, the arguments presented above relative to claim 1 apply to these claims as well. Claims 10-11 and 20 depend from claims 9 and 19, either directly or indirectly. As such, the rejection of these claims is likewise improper and must be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 4-8, 12-17, and 21-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker. Applicants respectfully traverse this rejection because the Examiner has failed to establish a *prima facie* case of obviousness for at least the reason that Walker fails to teach or suggest the features of claimed invention.

With respect to for example, claims 4, 6, and 8, the Examiner states that Walker teaches “tariffs may be in time units, monetary values and unit values.” The Examiner has at least mischaracterized the Walker reference in alleging this because Walker explicitly teaches that the balance of an account, not a tariff, may be in time units, monetary values and unit values.

Further the Examiner states that “charging or billing one tariff model to a type of voucher would have been left as an agreement between users and the owners of the system of Walker.” Applicants request the Examiner to explain how this relates to the claimed invention, in which vouchers are used to increase a balance of an account. In the

claimed invention, the tariff model is used when a call is charged, not when a credit card or billing card is used to increase the balance of an account. As such, for at least these reasons, the rejection of these claims is improper and must be withdrawn.

Further, claims 5 and 7 depend from claim 1, either directly or indirectly. Claim 12 depends from claim 9, either directly or indirectly. Claims 13-14, 17, 22 and 23 recite features similar to at least claims 1 and 8. Claims 15-16 and 21 depend from claims 14 and 19. As such, the rejection of these claims is likewise improper and must be withdrawn for at least the reasons presented above.

CONCLUSION

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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